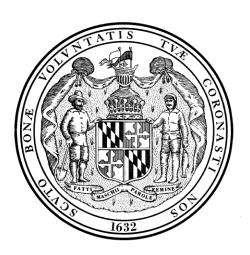
ADMINISTRATIVE PROCEDURES

FY 2013

QUALIFIED ZONE ACADEMY BOND PROGRAM

STATE OF MARYLAND PUBLIC SCHOOL CONSTRUCTION PROGRAM

August 2012



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QUALIFIED ZONE ACADEMY BOND ADMINISTRATIVE PROCEDURES

Purpose

The Qualified Zone Academy Bond (QZAB) Program authorized by the federal government will enable the State of Maryland to sell bonds and allocate the proceeds to public school systems for capital improvements at eligible public school buildings. These funds can be used for capital improvements, repairs, and deferred maintenance work for existing public school buildings. These funds may not be used to construct new public schools or to build additions to existing public schools.

Background

The Program was initially established within the Tax Payer Relief Act of 1997¹ with funding first being available the following year. Allocations were and continue to be made based on each state's percentage of the population below the poverty line as defined by the Office of Management and Budget. The Program is temporary and subject to reauthorization, the most recent being under the Tax Relief, Unemployment Insurance Reauthorization and Job Creation Act of 2010. Congress initially authorized \$400 million annually for the Program through 2008. Years 2009 and 2010 received an additional \$1.4 billion each as part of the 2009 economic stimulus package, the American Recovery and Reinvestment Act. Nationwide funding for 2011 returned to \$400 million.

The State of Maryland has participated in the Qualified Zone Academy Bonds Program since 2000.² Bonds sold through 2009 under the Program require the issuer to repay the principal only and, when applicable, supplemental interest with the bondholder receiving a federal tax credit instead of interest until the bond matures. As a result of federal legislation, beginning with the CY 2010 issuance and going through CY 2012, QZAB issuers have the option of selling QZABs as bonds bearing taxable interest and receiving 100% interest subsidy payments from the U.S. Treasury. QZABs issued in CY 2013 and thereafter will revert to tax-credit bonds only.

The State recognized the advantages of participating in this program early on, noting that there were at the time over 600 schools in 23 of 24 school districts that would qualify as a "qualified zone academy" under the federal definition. There were unmet capital improvement needs in all eligible school systems which could benefit from the availability of these resources. The State also gave consideration to allowing the local school districts to sell the bonds themselves. In deciding to be the issuer, the State recognized several benefits:

• The sale of the bonds by a local jurisdiction with a limited number of schools would be cost prohibitive in relationship to the funds that would be utilized for the capital improvements.

¹ Public Law No. 105-34,111 Stat. 821, 26 USC 1397 E

² Maryland's QZAB history of authorization and legislation, Senate/House bills, and chapter and year of Maryland Law: \$9,828,000 for 1998/1999, SB894, Chapter 322, 2000 \$8,270,000 for 2000/2001, SB288, Chapter 139, 2001 \$9,043,000 for 2002/2003, SB7, Chapter 55, 2003 \$9,364,000 for 2004/2005, HB 1325, Chapter 431, 2005 \$11,126,000 for 2006/2007, SB986, Chapter 585, 2007 \$4,543,000 for 2008, HB171, Chapter 523, 2010 \$15,902,000 for 2009, HB86, Chapter 96, 2011 \$15,324,000 for 2010, SB1303, Chapter 3, 2012

- The State, with its AAA bond rating, would have a better chance of obtaining the maximum amount of proceeds without discounting the face value of the bonds.
- The State's greater resources would make the sale and repayment processes less onerous than would be otherwise for local governments.

Allocations

In previous years, QZAB allocations were based on each school district's proportion of pre-1970 building area that had not been renovated and its percentage of students eligible for free and reduced-price meals. This formulaic approach resulted in under-allocation to school systems that had projects requiring funds larger than the formula permitted. Further, it led to over-allocation of funds to certain school systems that did not have the administrative capacity to manage the difficult QZAB requirements, thus causing delays in expending the QZAB funds. As a result, beginning with the FY 2012 QZAB authorization a revised method of allocation is being used:

- Firstly, projects for schools identified by the Maryland State Department of Education as Breakthrough Center Schools are assessed on a non-competitive basis. These are lowperforming schools that receive a concentrated focus of State assistance in order to avoid restructuring under the federal No Child Left Behind law.
- The balance of available funds is allocated on a competitive basis, involving assessment of project priority, scope and eligibility, while satisfying the federal QZAB project criteria.

This new approach permits a more equitable distribution of funds based on need, and allows the funds to be fully expended within the stringent federally mandated timelines that were instituted in 2008. For fiscal year 2013 the State Board of Public Works approved the distribution of the \$15.3 million as specific allocations for each eligible school system on May 23, 2012. Allocations per school system — Local Education Agency (LEA) — are shown in Attachment I.

Funds will be made available for projects that receive State approval beginning on July 1, 2012 Projects must be submitted for review and approval to assure eligibility and fulfillment of the QZAB Program requirements. Funds may be used only for approved capital improvements at eligible schools and only up to the limit of the allocation. However, the school system may provide additional funds necessary to complete the project or to increase the scope of work.

State funds provided under this program do not require local matching funds. There is, however, a federal requirement for private sector contributions to equal at least 10% of the project's allocation. This subject is discussed in detail below. The State/Local shared cost formula utilized for other State-funded public school construction is not applicable.

Projects Eligibility

For a project to be eligible under the QZAB Program, the school must be located in a federal Empowerment Zone or Enterprise Community, or the school system must have the reasonable expectation that at the time of application and for at least one-year thereafter, the school will have 35% or more of the student body eligible for the free and reduced-price meals program under the National School Lunch Act.

Another eligibility factor requires schools to offer programs that have been designed in cooperation with the business sector. Many Maryland schools have done this with the goal of enhancing the curriculum, increasing graduation and employment rates, and better preparing students for the rigors of college and an increasingly complex workforce. Some of the programs that are the product of the cooperation, participation, and involvement of the business sector are:

- High Schools That Work
- Maryland Career Cluster Frameworks: Career and Technical Education
- Public School Standards
- Graduation Requirements for Maryland Public High Schools
- Maryland Common Core Curriculum
- Maryland Plan for Technology in Education
- Maryland Early Learning Initiative

In general, eligible projects and expenditures are for capital improvements, repairs, rehabilitation, or deferred maintenance. Projects must be selected that fall within the QZAB Program guidelines. Attachment II provides a listing of the types and categories of projects that would be considered eligible for State funding under the QZAB Program. Other projects that are not listed may be considered but should be discussed with the QZAB Program Administrator prior to making a submission. A project is defined as a distinct type or category of work in a single school building. The minimum amount of State funding that may be requested for one project is \$30,000. There is no limit on the maximum project cost; however, State funding may not exceed the total allocation approved for the school system.

Elementary schools, middle schools and high schools – including charter schools – career and technology centers and special education facilities that meet the QZAB requirements are eligible for funding under the QZAB Program. Charter schools need not be located in publicly-owned buildings, but if leased, the lease cannot expire before the bonds mature. If a charter school fails, the bonds allocated to that charter school will be called prematurely.

Requests should be submitted for projects that will make improvements (as noted above) to the schools, portions of schools, or components in a school that are at least 15 years of age. A school system may submit a request for a project that is less than 15 years of age if there are no other potential projects that would otherwise be eligible at the designated school or at another eligible school in the school system. In no instance will QZAB funds be approved for a project wherein the school and its relevant components are not at least five years old. Schools that have less than a 60% utilization rate will require documentation supporting the need for the project.

The Maryland Historical Trust (MHT) must review all QZAB projects receiving State funding. The project review submission form is available at http://mht.maryland.gov. Contact Jonathan Sager, Maryland Historical Trust at 410-514-7636 or jsager@mdp.state.md.us if you have any questions.

Ineligible Projects and Expenditures

Ineligible projects and expenditures are basically the same as those specified in COMAR 23.03.02.12 Regulations on the Administration of the Public School Construction Program, Ineligible Expenditures. Attachment III provides a listing of ineligible items. With respect to Item (L), while routine maintenance is ineligible, deferred maintenance is eligible. Projects funded through the QZAB Program are eligible for State funding under subsection 19 Aging Schools Program, C(2) Funding.

In addition, the following are also ineligible projects/expenditures:

- The use of QZAB funds for the local share of a State-funded school construction project
- Salaries of board of education or county government employees
- Project management or inspection fees
- Projects or improvements to property owned by a board of education that is not used by public school students
- Improvements to or the movement of movable classroom buildings
- Renovations that include additions to the existing building (unless the renovations are under a separate contract)
- New schools or additions to existing school buildings

State QZAB funds may not be utilized to increase the State share of a major renovation project above the otherwise eligible scope and the maximum State construction allocation. They may not be used to supplement an approved State allocation for a systematic renovation or an Aging School Program project.

Required Project Approvals

The Application

An application must be submitted for each eligible school project via the Internet using PSC/QZAB Form 1.1-R. This form shall be completed and provide the following information:

- 1. How the public school qualifies as a QZAB school.
- 2. A summary of the types of qualified private entity contributions that will be provided to match at least 10% of the amount of QZAB funds requested.
- 3. A description of the type of project, age of the building area or component and scope of the work proposed.
- 4. The schedule for the project.
- 5. The estimated cost, including local funds if required.
- 6. The amount of QZAB funds requested.

Projects must be approved and assigned a PSC/QZAB number and Project ID (PID) before proceeding into bidding and construction. The PSC/QZAB-PID should be used on all forms and correspondence. After a project is assigned a PSC/QZAB-PID number, there are certain requirements for the submission of plans and specifications and approvals prior to bidding that are identified in Attachment II. There are also requirements for the approval of the award of contracts of \$100,000 or more that must be met to assure continued eligibility for State funding under the QZAB Program.

Matching Funds Contributions

The school system shall submit a letter of assurance for the contributions or services that each business or private sector entity will donate to the school that, in total, are equal to at least 10% present value of the QZAB funds requested. These contributions may be made to the school throughout the life of the bonds. The contributions are eligible for the standard tax deduction by the business. The 10% contributions are not considered part of the State allocation, and will not be considered in meeting the \$30,000 minimum funding request. In-kind contributions are eligible, and the reasonable value of such contributions is to be determined by the private sector contributor and approved by the school system's superintendent of schools. Contributions made to the school system as a whole or to a group of schools may be pro-rated based upon student participation in the activity or benefits to the teachers from the activity or service. This includes workshops for educators and students, providing they are pro-rated. No federal, state or local government entities can contribute to fulfill the 10% requirement. However, booster clubs, Parent-Teacher Associations, and community groups are eligible contributors. Contributions must be at the school where the project is occurring. A private sector business or organization may contribute in one or more of these categories:

- Technical Assistance (including teacher training and curriculum development)
- Services of Donor's Employees (volunteers as mentors)
- Opportunities for students of academy (internships or field trips)
- Equipment for use in the Qualified Zone Academy
- Other (property or services and cash)

Contributions shall be made only after the approval of the project by the State. No contribution received prior to State approval will be applied to the ten percent contribution requirement. In addition to the summary of the types of contributions to be made for the specific project on PSC/QZAB Form 1.1-R, assurance letters from each contributor must be submitted describing the intended contribution of the private entity. Each letter must state what is being donated, over what period of time, and that the contribution is to be applied to the QZAB requirement. The letter should be succinct. If a contributor is unable to fulfill their obligation, the local school system must find a substitute contributor to satisfy the ten-percent requirement.

Summary of QZAB Project Requests

In addition to submitting the project application PSC/QZAB Form 1.1-R, the school system must complete, sign and mail PSC/QZAB Form1.2, Summary of QZAB Project Requests/Assurance. Projects should be listed in order of their priority. The original Form 1.2 should be accompanied by copies sufficient to equal the number of projects listed. Thus, if 5 projects are listed, 4 copies should be submitted in addition to the original. This form will be reviewed for approval by the State to document the school system's assurance of a) the eligibility of the school, b) the eligibility of the project, as requested, and c) the private sector contribution for at least 10% of the QZAB project cost. The corresponding private sector contribution assurance letters should be attached to the respective Form 1.2 for each project and for which there is written assurance. The superintendent's signature on PSC/QZAB Form 1.2 attesting to the submission and the details of the specific projects submitted (in electronic format on PSC/QZAB Form 1.1-R), provides the assurance that the school system recognizes the QZAB requirements and that they will comply with the statements and requirements.

Schedule for Private Sector Contributions

Private sector matching contributions are required to equal at least 10% present value of the QZAB allocated per project. A schedule for receiving the matching contributions must be submitted on PSC/QZAB Form 1.2-A. On this form, the schedule for receipt of contributions should be by month rather than by specific date. To calculate the present value of the contribution, multiply the face value by the Monthly Present Value Multiplier supplied on the reverse side of PSC/QZAB Form 1.2-A. The present value of the contributions must equal at least the required 10% of the QZAB allocation. This schedule should be an accurate estimate, but if circumstances were to change, the PSC/QZAB Form 1.3-R, *QZAB Private Entity Contribution Tracking* Form will reflect the new contributors, contributions and dates of contribution. It is recommended that this form be scanned and transmitted to PSCP QZAB Program staff for a preliminary review prior to securing the superintendent's signature.

Educational Program Compliance

As discussed above, all projects require prior private sector involvement with that school. For each QZAB project, a list shall be submitted detailing the prior private sector involvement in the school's curriculum development. Various State programs fulfill this requirement and most schools are currently utilizing them. To satisfy the requirement for each project, implemented State or Local programs shall be listed on PSC/QZ Form 1.4, *Educational Program Compliance*. If a listed program is not from the list of State programs, the school system will be required to submit a Program Description. This form is available upon request from Ms. Kimberly Spivey (see address below). The Program Description details the nature of the program including the private sector involvement and effects on the curriculum. Members of the PSCP staff will review the description to determine if the Program Description satisfies the requirement. At least three programs need to be listed on PSC/QZ Form 1.4 to fulfill the requirement.

Application Schedule and Approval

Applications may be submitted for QZAB project approval starting February 10, 2012. **The last date for the submission of an application is March 9, 2012** to access the funds anticipated to be approved for each school system by the Board of Public Works on May 23, 2012. Any project submitted after that date will not be eligible for funding under the QZAB Program. For an application to be considered complete and ready to proceed to processing for approval, the following need to be completely and accurately submitted:

- 1. PSC/QZAB Form 1.1-R, Program Application
- 2. PSC/QZAB Form 1.2, *Project Requests*, including contributor assurance letters
- 3. PSC/QZAB Form 1.2-A, Private Sector Anticipated Contributions
- 4. PSC/QZAB Form 1.4, Educational Program Compliance

If any part is missing or incorrectly entered, the project will not proceed to approval until all corrections are made, submitted and reviewed. Form 1.1-R is to be submitted on-line via the PSCP Web site. The remaining forms are to be submitted via US Mail or other mail delivery service, or e-mailed as .pdf computer files of scanned documents. All documents, both paper and scanned, requiring signature are to be signed. Unsigned documents that should be will not be considered valid and will not be processed.

Send paper documents to: Ms. Kimberly Spivey

Public School Construction Program 200 W. Baltimore Street

Baltimore, MD 21201

E-mail computer files to: kspivey@msde.state.md.us

Telephone inquiries: (410) 767-0742

If a school system has submitted projects for approval and afterward does not plan to participate in the QZAB Program, it must notify the IAC in writing prior to May 7, 2012. The IAC, with the approval of the Board of Public Works, may reallocate the available funds to other school systems desirous of participating in the QZAB Program.

After the projects have been approved and assigned a PSC/QZAB-PID number, the school system may determine that another project is of a higher priority. Should this occur, the system may request a substitution for the previously approved QZAB project. The request will utilize the same forms and be subject to review and approval as required for all QZAB projects within the time limits set forth above. A revised Form 1.2 must be completed, signed by the superintendent of schools and submitted.

Applications from the school systems will be reviewed as they are submitted. Copies of the individual project request forms will be approved, signed, and returned to the school system with a PSC/QZAB-PID number and instructions regarding required reviews (Attachment II), as well as the requirements for the approval of the award of contract described below.

Attachment II identifies the reviews required by the State of plans and specifications prior to advertising and bidding. Failure to comply with these review requirements will result in the project being deemed ineligible and State funding will not be provided. The required submission may be modified upon review of the initial project submission on a case-by-case basis. The submission requirement for projects that repair or replace components of a building system – such as ceilings, lighting and fire alarm systems – may be reduced during the initial review process. The school system will be notified if such a reduction is warranted.

It is anticipated that projects will be reviewed for eligibility and PSC/QZAB-PID numbers assigned within ten working days of a complete and accurate submission. As soon as the PSC/QZAB-PID number is assigned, and the LEA is notified of the BPW approval the project may proceed through the design and/or procurement process.

Procurement/Contract Awards

Contracts of \$2,000 or more require application of the Davis-Bacon Act labor standards. Contracting agencies have the primary responsibility for the enforcement of Davis-Bacon and related acts to ensure that laborers and mechanics are paid at least the prevailing wage rates required on covered contracts. The applicable wage determination will be the Davis-Bacon wage determinations published on www.dol.gov as of the date of contract award (or within 10 days of the bid solicitation, in the case of competitive sealed bidding).

Projects of less than \$100,000 are required to be bid consistent with local procurement requirements and Section 5-112 *Bids of the State Education Article*. Approval of the contract by the IAC is not necessary prior to entering into the contract. A copy of the bid tabulation and other documentation should be retained for submission with the request for payment. Upon request for reimbursement, up to five percent above the contract award may be used for change orders.

<u>Projects of \$100,000 or more</u> are required to be bid consistent with local procurement requirements and Section 5-112 *Bids of the State Education Article*. The approval of the IAC is required prior to the board of education entering into the contract. **Failure to obtain the IAC approval prior to entering into the contract will make the project ineligible for State funding**. After the bids are opened and the contract approved by the board of education, the following must be submitted with IAC/PSCP Form 303.3 *Approval of Construction Contract Award*:

- 1. A copy of the bid tabulation.
- 2. The low bidder's proposal.

- 3. Documentation for award other than to lowest bidder (error, withdrawal, etc.).
- 4. The board of education's approval of the award.
- 5. The Minority Business Enterprise (MBE) participation information.

Following the approval of the contract award by the IAC, the school system shall submit a copy of the signed contract or purchase order for the project.

Each QZAB project may utilize either a single contractor or any number of contractors to perform the work of the approved scope. If the project consists of either one contract that exceeds \$100,000 or a number of contracts and the total exceeds \$100,000, IAC approval is required.

At the time of the contract award for any project in excess of \$100,000, 2 ½ percent of the QZAB funds being utilized for the contract award may be requested to be retained for potential change orders during the course of construction. Change orders for all projects may be approved at the local school system level, but are subject to State review at the time of reimbursement. Furthermore, any change order for \$25,000 or more is subject to State review and approval for funding. This approval may be requested prior to or after execution by the school system.

An existing State or local contract that was previously competitively bid may be utilized for an approved QZAB project with verification that the minimum wages being paid are equal to or greater than those that the Secretary of Labor determines to be prevailing for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the locality where the work is to be performed. The previously approved contract number, the bid date, and the expiration date of the contract are to be submitted. However, QZAB shall not be applied to alternates in existing contracts.

Every attempt should be made to have the project under contract within six months of approval and completed within 18 months of approval. Requests for Reimbursement must be received by this office within two years of project approval. To assist PSCP in keeping current its QZAB project database, it would be appreciated if this office, via Ms. Spivey above, were notified of the award of contract.

A school system's Minority Business Enterprise Participation Procedures that are applicable for State-funded school construction projects shall be utilized for QZAB projects. The bid documents and instructions to bidders shall be consistent with the board of education's procedures. The school system must review the MBE submissions and report this information to the PSCP. State of Maryland MBE Procedures and Goals must be adhered to for all projects, including requirements for requests for waivers.

Adherence to the MBE procedures is required for all QZAB project procurements to ensure reimbursement at project completion. Projects with a construction value estimate in excess of \$50,000 are required to submit an MBE Goal-Setting Analysis to PSCP, as specified in Subsection 5.d of the amended Minority Business Enterprise Procedures for State-Funded Public School Construction Projects, Section 4.0 MBE Goals Setting Procedures. For projects with a construction value in excess of \$200,000, the form should also be sent to the Governor's Office of Minority Affairs. Questions regarding MBE submissions should be directed to:

Azariah Moore MBE Manager Public School Construction Program 200 W. Baltimore Street Baltimore, MD 21201 Phone: 410-767-0735

Fax: 410-333-6522

Email: amoore@msde.state.md.us

If a QZAB project is estimated to cost \$500,000 or more and State funds are estimated to be 50 percent or more of the project cost, the State prevailing wage law is applicable. The appropriate wage rates must be requested from the Department of Labor, Licensing, and Regulation (410-767-2357), included in the bid documents, and referenced in the advertisement for bids.

A State school construction sign is required for all QZAB projects with a total contract cost of \$100,000 or more. These signs are available from the Sign Shop at Maryland Correctional Enterprises. Their telephone number is (410) 799-5102. Signs may be ordered by faxing a purchase order to (410) 799-7911. The e-mail address for the Sign Shop is cwbehnke@dpscs.state.md.us Attachment IV shows a sample mock-up of the sign.

At the time of contract award, the local board of education may request PSCP to approve realignment of funds remaining after the award of contract (with or without retaining funds for potential change orders) to another eligible QZAB project within the LEA. The request must be submitted to PSCP in writing within 90 days of local board of education approval of those contracts below \$100,000 or IAC approval of those contracts of \$100,000 or more. Any remaining funds not realigned will be reverted to the Statewide Contingency account and recycled with the next QZAB program.

Processing For Payment

Payment for work completed under the Qualified Zone Academy Bond Program will be through reimbursement to the school system. The school system is required to certify that the payment being requested is reimbursement for payments made from a *non-tax-exempt source*. The proceeds from the State's QZAB program, which provides tax credits to the bondholders, may not be used as reimbursement for a payment made from a tax-exempt source. **The State will generally make one payment upon completion of the project; however, see boxed item below.** Upon completion of the project, the school system shall submit IAC/PSCP Form QZ 5000, *Project Reimbursement/Expenditure Report* and IAC/PSCP Form QZ 5003, *Minority Business Enterprise Participation*. Copies of cancelled checks and contractor's requisitions and invoices or paid purchase orders must accompany this form. If the contractor's requisitions/invoices do not provide a description of the type of work performed, a copy of the purchase order or the contract must be provided. All supporting documents must be retained until a State audit occurs.

In lieu of submitting a copy of the cancelled check from the bank, the IAC/PSCP Form 306.2a, *Contractor's Certification of Receipt Payment* will be accepted to initiate reimbursement. This form must accompany IAC/PSCP Form QZ 5000. Original cancelled checks must be maintained by the school system for subsequent review by PSCP auditors.

If the project cost at time of contract award was less than \$100,000, the following must be submitted for reimbursements to be processed:

- 1. The bid tabulation.
- 2. Board of education's approval of the contract award.
- 3. MBE information.

These items do not need to be resubmitted for contracts of \$100,000 or more since these required items must be submitted when requesting approval of the contract award by the IAC prior to entering into the contract or proceeding with the work.

Projects submitted for reimbursement must be at least \$30,000 in State funding or the project will not be reimbursed.

If the request for reimbursement differs from the amount specified in the initial submission, the school system must submit a brief explanation of the difference. Funds requested for reimbursement for projects, including State funding for change orders, may not exceed the QZAB

State allocation for the project. Any funds remaining after final reimbursement will be reverted to the Statewide Contingency account.

Recognizing that reimbursement only at the time of project completion may create cash flow difficulties for some jurisdictions with larger projects, PSCP is willing to consider progress payments on projects of \$100,000 or more. If the PSCP approves making progress payments directly to a contractor for a jurisdiction for a specific project, then IAC/PSCP Form 306.1 Request for Payment to Contractor would be utilized.

Record-Keeping Requirements

The local superintendent of schools is responsible for collecting, recording, and maintaining records of the private sector contributions satisfying the 10% requirement. This responsibility may be delegated to school board and school-based administrators. If during the bond repayment period, a business entity which made a commitment at the time of application is unable to fulfill their required contribution, the school and/or school system will be required to obtain a substitute contribution to meet the 10% requirement. As contributions are made to the school, the principal or designee shall record the date, from whom the contribution is made, the contributor's Employer Identification Number or individual Social Security Number, the type of contribution, value of the contribution, and the total amount contributed as of that date. The principal shall initial each entry. A copy of the form shall be sent annually by the principal to an individual designated in the school system's central office to be reviewed, verified for completeness and accuracy of the value of the contributions, and eligibility of the contributions. These records shall be maintained and forwarded to PSCP along with the completed PSC/QZAB Form 1.3-R, QZAB Private Entity Contribution Form, once the 10% requirement is met. It is recommended that this form be scanned and transmitted to PSCP QZAB Program staff for a preliminary review prior to securing the superintendent's signature. The school system shall maintain the original documentation until the bonds have been paid and the records in support of the bond sale have been audited. The State shall hold the materials filed until the project is audited and processed consistent with the Public School Construction Program's record retention schedule.

Future Project Funding

If a public school building is renovated through the Public School Construction Program within 14 years of the completion of a QZAB project, the maximum State construction allocation for the renovation of the building shall be adjusted to account for the State's previous QZAB allocation. Local funds expended for such improvements will not be deducted in future years from the maximum State construction allocation.

In Conclusion

The purpose of this document is to serve as a guide to the various procedures associated with Maryland's Qualified Zone Academy Bond Program. It is not a legal document and does not dictate policy. The Public School Construction Program reserves the right to interpret and enforce Maryland law as it pertains to the QZAB Program. Within this context, the PSCP is willing to judge particular cases according to their circumstances and individual merits, and to work in close cooperation with the state's school systems to realize a viable, beneficial program.

Schedule

The following schedule will be followed for the FY2013 QZAB program funding. LEA deadlines are indicated in boldface type.

Application posted at https://sst.msde.state.md.us/ on or before (Note: FY 2012 procedures posted on the PSCP webs be used pending posting of new procedures.)	February 10, 2012 ite may
Initial QZAB application period	February 10 — March 9, 2012
Deadline for initial LEA application	March 9, 2012
IAC approves projects and recommends LEA allocations to BPW	April 18, 2012
Revised FY 2013 QZAB procedures posted to PSCP Web site	August 15, 2012
PSCP notifies LEAs of <i>tentative</i> project recommendations subject to BPW approval	et April 20, 2012
Deadline for submittal of additional required QZAB forms	May 4, 2012
Last day to withdraw project applications	May 7, 2012
BPW approves FY 2013 QZAB allocations to LEAs	May 23, 2012
PSCP approves QZAB projects and notifies LEA	May 25, 2012
State funds available	July 1, 2012
Projects must be under contract	January 31, 2013
Requests due for reimbursement for all FY2013 projects	July 31, 2014

List of Attachments/Forms

Attachment I - Qualified Zone Academy Bonds FY 2013 \$15,324,000 Authorization Competitive and Breakthrough Center allocations per Local Educational Agency

<u>Attachment II</u> - Eligible Projects/Expenditures and Required Project Approvals General overview of eligible projects and review requirements

Attachment III - Excerpt from COMAR 23.03.02 Regulations on the Administration of the Public School Construction Program, .12 List of ineligible expenditures

Attachment IV – Construction Sign for State-Funded Qualified Zone Academy Bond Projects To be posted at sites of projects costing \$100,000 or more

<u>PSC/QZAB Form 1.1-R</u> - Qualified Zone Academy Bond Program Application Application by each school to be submitted electronically

<u>PSC/QZAB Form 1.2</u> - Summary of QZAB Project Requests/Assurance Submitted by the school system listing projects in order of priority enclosed with private sector contribution assurance letter

<u>PSC/QZAB Form 1.2A</u> - QZAB Project Private Sector Anticipated Contributions Detailed schedule of anticipated contribution receipt date

<u>PSC/QZAB Form 1.3-R</u> - QZAB Private Entity Contribution Tracking Form Track business sector contributions that fulfill the 10% present value requirement

<u>PSC/QZAB Form 1.4</u> - Educational Program Compliance List of private sector involved curriculum development programs

<u>IAC/PSCP Form QZ 5000</u> - Project Reimbursement/Expenditure Report Submitted after project completion to receive reimbursement

<u>IAC/PSCP Form QZ 5003</u> - Project Reimbursement/Expenditure Report Minority Business Enterprise Participation, Verification of minority business involvement

<u>IAC/PSCP Form 306.1</u> – LEA Request for Payment to Contractor

Attachment I

Qualified Zone Academy Bonds FY 2013 \$15,324,000 Authorization

	Requested	Competitive	Breakthrough	Total LEA		
LEA	Funding	Allocation	Center	Allocations		
Allegany (1)	\$ -	\$ -	\$ -	\$ -		
Anne Arundel (1)	\$ -	\$ -	\$ -	\$ -		
Baltimore City	\$ 5,450,000	\$ 1,605,000	\$ 1,770,000	\$ 3,375,000		
Baltimore County	\$ 5,640,000	\$ 2,875,000	\$ -	\$ 2,875,000		
Calvert (1)	\$ -	\$ -	\$ -	\$ -		
Caroline (1)	\$ -	\$ -	\$ -	\$ -		
Carroll	\$ 250,000	\$ 250,000	\$ -	\$ 250,000		
Cecil	\$ 139,000	\$ 139,000	\$ -	\$ 139,000		
Charles	\$ 3,594,438	\$ 790,504	\$ -	\$ 790,504		
Dorchester	\$ 1,090,000	\$ 790,000	\$ -	\$ 790,000		
Frederick	\$ 965,000	\$ 965,000	\$ -	\$ 965,000		
Garrett	\$ 90,000	\$ 90,000	\$ -	\$ 90,000		
Harford (1)	\$ -	\$ -	\$ -	\$ -		
Howard	\$ 241,600	\$ 241,600	\$ -	\$ 241,600		
Kent	\$ 221,675	\$ 221,675	\$ -	\$ 221,675		
Montgomery	\$ 2,000,000	\$ 2,000,000	\$ -	\$ 2,000,000		
Prince George's	\$ 5,839,238	\$ 3,270,728	\$ 324,856	\$ 3,595,584		
Queen Anne's (1)	\$ -	\$ -	\$ -	\$ -		
St. Mary's	\$ 230,000	\$ 230,000	\$ -	\$ 230,000		
Somerset (1)	\$ -	\$ -	\$ -	\$ -		
Talbot (1)	\$ -	\$ -	\$ -	\$ -		
Washington	\$ 1,425,000	\$ 820,000	\$ -	\$ 820,000		
Wicomico (1)	\$ -	\$ -	\$ -	\$ -		
Worcester	\$ 38,000	\$ 38,000	\$ -	\$ 38,000		
Totals	<u>\$ 27,213,951</u>	<u>\$ 14,326,507</u>	<u>\$ 2,094,856</u>	<u>\$ 16,421,363</u>		

¹ Allegany, Anne Arundel, Calvert, Caroline, Harford, Queen Anne's, Somerset, Talbot and Wicomico Counties are not participating in the FY 2012 QZAB program.

² Total allocation includes new FY 2013 QZAB authorization of \$15,324,000 and \$1,097,363 from the Contingency Account and Interest Earnings.

Attachment II

Eligible Project Expenditures and Required Review Levels

- All projects require State review, approval and the assignment of a PSC/QZAB-PID number prior to award of contract.
- Any project with a total cost of \$100,000 or more requires State approval of the contract award prior to proceeding.

Review level submission requirements are as follows:

- 1 An abbreviated educational specification, schematic drawings, design development documents and construction documents.
- 2 Design development documents and construction documents.
- 3 Construction documents.
- 4 No submissions required after the project is assigned a PSC/QZAB-PID number.

	VEAIG
	Level
ADA accessibility (interior/exterior)	3
Asbestos and/or lead paint removal/abatement	4
Bleacher repair and/or replacement (interior only)	
Building renovations (interior/exterior)	
Carpeting with 15-year warranty or replaced with VCT	
Ceilings (installation/replacement)	
Communication systems (telephone and/or public address)	
Consumer Science/Family Life facilities	
Doors and/or windows (interior/exterior)	
Electrical systems	
Elevators	
Energy conservation projects	3
Fire protection systems and/or components (alarms and/or sprinklers)	
Flooring materials (repair, replace and/or refinish)	
Folding partitions (installation/replacement)	
Heating, ventilating, air conditioning systems and/or components	3
Kindergarten facilities	
Lighting systems and/or components	3
Masonry work and/or components	4
Playground equipment	
Plumbing, water, and/or sewer lines and fixtures	4
Renovation projects (related to educational programs/services)	1
Roofing systems and/or components	
Science facilities (middle or high school)	1
Site redevelopment	3
Technology Education facilities	
Underground fuel tanks (remove and/or replace)	
Wiring schools for technology (voice, video, & data)	3

Attachment III

Excerpt from COMAR 23.03.02 Regulations on the Administration of the Public School Construction Program

12. Ineligible Expenditures.

The following expenditures are ineligible for State funding:

- A. Site acquisition;
- B. Offsite development costs except those listed as eligible in Regulation .11G of this chapter;
- C. Architecture, engineering, or other consultant fees, except as permitted by Regulation .10 of this chapter;
- D. Master plans, feasibility studies, programs, educational specifications, or equipment specifications;
- E. Ancillary construction costs such as:
 - (1) Permits;
 - (2) Test borings;
 - (3) Soil analysis;
 - (4) Bid advertising;
 - (5) Water and sewer connection charges;
 - (6) Topographical surveys;
 - (7) Models;
 - (8) Renderings; or
 - (9) Cost estimating;
- F. Leasing or purchasing school facilities except as provided in COMAR 23.03.05;
- G. Construction inspection services;
- H. Relocation costs for site occupants;
- I. Salaries of local employees;
- J. Construction of administrative or support facilities, including regional or central administrative offices, warehousing, resource, printing, vehicle storage, and maintenance facilities;
- K. Movable equipment, furnishings, and artwork as defined by the IAC;
- L.* Maintenance; and
- M. Temporary storage.

In any case, where a local board desires to proceed with a capital improvement project, or part thereof, which is ineligible for State funding, the Committee, shall determine the added cost to the approved project generated by the ineligible aspects, and the local board may proceed with the project but without State funding for the added cost.

* NOTE: Regulation 23.03.02.12 (L) is not applicable to QZAB projects

Attachment IV

APPENDIX E CONSTRUCTION SIGN FOR STATE FUNDED SCHOOL CONSTRUCTION PROJECTS (6' X 8')



E-1 March , 2007

Send to Designees Date:	Public \$c 20	ATE OF MARYLAND hool Construction Program 0 W. Baitimore Street Imore, Maryland 21201		PSC/QZAB Form 1.1-R
QUALIFIED	ZONE ACADEMY	BOND (QZAB) P	ROGRAM APPL	ICATION
			Project Number:	1
			PSC/QZAB Number: Approved Date:	
			эфріотос Баів.	
LEA:		School Name:		
		School Address:		
Contact Person:		Title:		
		III.		
Address:		Telephone Number:		
City:		Fax Number:		
Zip:	_	Email Address:		_
-	Critarion 1: Qual	ified by location or student	nonvistion	
		priate box to select)	population	
a) Location This	•	•		
a) Cocason This	school is located in an Empo	werment Zone.		
b) Composition of Student Body as of	school has thirty-five percent	(35%) or more of its student	s eligible for the Free or Re	duced Price Meal Program
Granktherunh				
Breakthrough Center This	school has been identified by	MSDE as a Breakthrough Ce	inter	
Criterion 2: Qualified by vi	rtue of business contribution			
The Employer Identification	Number (EIN) of the donor o	f the private business contri	bution is required. If the do	nor is not associated with an
organization then obtain th	e Social Security Number (\$3	N) of the individual making t	the private business contrib	oution.
Contribution		Contributes	FINICOL	Decisional division
Contribution 7	ype	Contributor	EIN/SSN	Designated Value \$0
			_	
	Criterion 3: Qualified I	by virtue of the characteristic	cs of the project	
Scope of Work:				
Eligible QZAB Funds Requ	uested:	50	Anticipated Bid Date:	
Local Funds:		50 Ar	ticipated Completion Date:	
Total Cost of Project:		50 Anticipa	ted Date of Reimbursement	
Amount of Authorization R	tequested:	50		
	application, the school system			
	ent with the State of Maryland des written assurance of the a B project requested.			
IAC Approval Date:		Type of R	eview Required:	1

STATE OF MARYLAND
Public School Construction Program
200 W. Baltimore Street
Baltimore, MD 21201

Date Submitte	d

Summary of QZAB Project Requests/Assurance

LEA:					
Please li	st projects in priority order:				
Priority	Name of School and Project Type	Eligibility ⁽¹⁾	Amount of QZAB Funding Requested	Total Private Sector Contribution	Number of Contribution Letters Attached (2)
eligible f	igibility is based on one of the following: 1. Empowermer for free and reduced-price meals under the National Schoolshould be provided from each contributor for each project	ool Lunch Act. Plea			
1.1-R and Maryland F for eligible proceeds v	ertify that the Qualified Zone Academy Bond summarized above is true and accurate to Public School Construction Program QZAB guster expenditures in respect to a Qualified Zowill be used in accordance with local procedur proval of our school system to issue the QZAI	the best of multiple the the the the the the the the the th	ny knowledge and QZAB proceeds a is specified under nd Law. By signing	I is consistent w llocated by the St federal law. F g this form, the St	ith the State of ate will be used urthermore, the rate of Maryland
	Signature of Superintendent of School	ls		Da	ate
Enclosures:	The total number of enclosures is				

STATE OF MARYLAND **Public School Construction Program** 200 W. Baltimore Street Baltimore, MD 21201

PSC/QZAB #	

QZAB Private Sector Anticipated Contributions (Anticipated Present Value)

School and project:

LEA:

	A QZAB Project r private entities that pl Revenue Code, from the QZAB. The disco the school system by discount rate that mu	the private sector ount rate needed in the Public School	rill receive Qualifie which total at leas norder to determir Construction Prog	ed Contributions, a st 10% on a presen ne the present valu gram after the app	s defined in Sec nt value basis as ue of the contribudicable QZAB Iss	tion 54E(b) of the date of ution will be consumed to the consumer.	the Internal issuance of mmunicated to It is this final
	Please enter the prior QZAB expenses Multiplier" FOR ALL sector contribution, be QZAB funding	CONTRIBUTIONS	e on the reverse s S based upon the	side of this form to e month of the "A	determine the " inticipated Date	Monthly QZAB of Contribution	Present Value n." The private
	Anticipated Month/Year of Contribution	Contributor(s)	Contributor(s) EIN/SSN	Type of Contribution ⁽¹⁾	Face Value of Contribution	Monthly QZAB Present Value Multiplier ⁽²⁾	Present Value of Contribution
ŀ	Total						
	(1) Indicate one of the volunteers, opport (2) Use "Chart to Dete I hereby certify that it sector contributions and that the total conthe discount rates prestablishing complia provided by the Pubreceived, they will be recognize that the to QZAB funds authoriz 10% private sector or requirement.	unities for students ermine Present Value information properties of the information provided are for illustrace with the 10% lic School Construction on the Cotal contribution (bized for this project	s outside the acade alue of Private Granted for the authorized for the authorized for the authorized for the Contractive purposes a private business auction program authorized for the 10% contractive for the 10% contractiv	lemy or other (inclent Monies For Applement Monies For Applement of the value) that is nearly and the final distribution require the QZAB issuity Contribution Tent value when contribution total will the value when when we will the value when we will will the value when we will the value when we will the value when	uding cash). propriate Year" to project reflects cessary to mee prized for this procount rate that build be uance date. As a racking Form (I portributed) must therefore equal	o determine prothe anticipated the QZAB recoject. I acknown ust be used determined from a actual contribution of the present value of t	esent value d private quirement wledge that in om the chart butions are orm 1.3) and I 10% of the alue of the
-	Signature of Superint	endent of Schools			Date		

					STA	TEOFM	ARYLAN	D GENER	AL OBLI	GATION						
			(QUALIFIE	D ZONE A	ACADEM	YBONDS	- CONSI	ERVATIV	E ESTIMA	TEFOR	2012	ı			
			Chart to	Determine	Present V	Value of Pr	rivate Gran	nt Monies	as of Aug	gust 5, 201	1 from Da	te of Rece	ipt			
							QZAB	Rate: 6.5%	6							
	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2020
January	-	0.9690	0.9082	0.8512	0.7977	0.7477	0.7007	0.6567	0.6155	0.5769	0.5407	0.5067	0.4749	0.4451	0.4172	0.391
February	-	0.9641	0.9036	0.8469	0.7937	0.7439	0.6972	0.6534	0.6124	0.5740	0.5380	0.5042	0.4725	0.4429	0.4151	0.389
March	-	0.9586	0.8984	0.8420	0.7892	0.7396	0.6932	0.6497	0.6089	0.5707	0.5349	0.5013	0.4698	0.4403	0.4127	0.386
April	-	0.9534	0.8936	0.8375	0.7849	0.7356	0.6895	0.6462	0.6056	0.5676	0.5320	0.4986	0.4673	0.4380	0.4105	0.384
May	-	0.9483	0.8887	0.8330	0.7807	0.7317	0.6857	0.6427	0.6024	0.5646	0.5291	0.4959	0.4648	0.4356	0.4083	0.382
June	-	0.9432	0.8840	0.8285	0.7765	0.7277	0.6821	0.6392	0.5991	0.5615	0.5263	0.4932	0.4623	0.4333	0.4061	0.380
July	-	0.9381	0.8792	0.8240	0.7723	0.7238	0.6784	0.6358	0.5959	0.5585	0.5234	0.4906	0.4598	0.4309	0.4039	0.378
August	0.9955	0.9330	0.8745	0.8196	0.7681	0.7199	0.6747	0.6324	0.5927	0.5555	0.5206	0.4879	0.4573	0.4286	0.4017	0.376
September	0.9901	0.9280	0.8697	0.8152	0.7640	0.7160	0.6711	0.6290	0.5895	0.5525	0.5178	0.4853	0.4548	0.4263	0.3995	-
October	0.9848	0.9230	0.8651	0.8108	0.7599	0.7122	0.6675	0.6256	0.5863	0.5495	0.5150	0.4827	0.4524	0.4240	0.3974	-
November	0.9795	0.9180	0.8604	0.8064	0.7558	0.7083	0.6639	0.6222	0.5832	0.5466	0.5122	0.4801	0.4500	0.4217	0.3952	_
December	0.9742	0.9131	0.8558	0.8021	0.7517	0.7045	0.6603	0.6189	0.5800	0.5436	0.5095	0.4775	0.4475	0.4194	0.3931	_

STATE OF MARYLAND **Public School Construction Program**200 W. Baltimore Street Baltimore, MD 21201

PSC/QZAB#	

QZAB PRIVATE ENTITY CONTRIBUTION TRACKING FORM

Project Type:			Nar	Name of School: Address:					
			Add						
Total Amo	unt of QZAB utili	ized \$							
Total Amo	unt of contribution	on required (1	10%) \$		(present valu	e)			
Date Proje	ect approved:				_				
Date proje	ct started:								
Date proje	ct completed:								
MM/YY of Contribution	Contributor(s)	Contributor(s) EIN/SSN	Type of Contribution ⁽¹⁾	Face Value of Contribution	Monthly QZAB Present Value Multiplier ⁽²⁾	Present Value of Contribution	Total Present Value to Date	Information entered by:	
Total									
opportun	one of the following ities for students or "Chart to Determine	utside the acad	lemy or other	(including cash	ı).				
I hereby ce by the priva of the Qual \$ in p	rtify that the informate sector and refleified Zone Academ resent value as of ect at this school.	nation above is ects an accura ny Bond Progra	s an accurate te present va am project at	and true portr lue. These ite the above-cite	rayal of the con ms have been ed school. The	tributions that donated to me contributions	have bee et the red donated t	n donated luirements otal	
Signature	of Superintender	nt of Schools				Date			

PSC/QZAB Form 1.4

STATE OF MARYLAND **Public School Construction Program**200 W. Baltimore Street Baltimore, MD 21201

PSC/QZAD FUIII 1.4

PSC/QZAB-PID#

Educational Program Compliance

LEA:		
Name of School:		
Project Type:		
Address:		
the schools receiving QZA enhance the academic cu rigors of college and the in and/or resulted in the deve	AB funding. The involvement a rriculum, increase graduation a ncreasingly complex workforce elopment of curriculum change	iness sector involvement in the curriculum development of and/or cooperation with the business sector is designed to and employment rates, and better prepare students for the a. These cooperative efforts have influenced, encouraged, s. Please list below all of the programs that have included evelopment. At least three programs are required.
Programs:		
•		
•		
•		
•		
•		
•		
•		
		and information submitted for the above school business sector involvement in the curriculum at this
Signature of Superinten	dent of Schools	 Date

PROJECT REIMBURSEMENT/EXPENDITURE REPORT

LEA:				DATE:			
SCHOOL NAME: TYPE OF PROJECT:				PSC/QZ NO	PSC/QZ NO: COMPLETION DATE:		
				COMPLETI			
MAIL PAYMENT TO TH	IE FOLLOW	ING ADDRE	SS:				
TAX ID NUMBER:							
REQUEST REIMBURS	EMENT FOR	R THE FOLL	OWING IN	IVOICES:			
CONTRACTOR	INVOICE	INVOICE	DATE	TOTAL	LOCAL	STATE	
	NUMBER	DATE	PAID	PROJ. COST	COST	REQUEST	
TOTAL							
NOTE: ATTACH LEGIBLE COPIES OF CANCELED CHECK(S) ATTACH LEGIBLE COPIES OF CONTRACTOR'S INVOICE(S). ATTACH FORM QZ5003, MINORITY BUSINESS ENTERPRISE PARTICIPATION ATTACH APPLICABLE MINORITY BUSINESS ENTERPRISE DOCUMENTATION IF CONTRACT AMOUNT WAS GREATER THAN \$50,000 AND LESS THAN \$99,999 ATTACHMENT A - Certified MBE Utilization and Fair Solicitation Affidavit ATTACHMENT B - MBE Participation Schedule (If there is no overall MBE goal or MBE sub goals established for the project, then only Attachment A is to be included.) ATTACHMENT D - Minority Business Enterprise Subcontractor Project Participation Statement completed and signed by the prime contractor and each MBE firm listed on Attachment B. ATTACHMENT C - Outreach Efforts Compliance Statement signed and completed by the bidder or offeror. ATTACHMENT F - MBE Waiver Documentation ATTACH BID TAB IF CONTRACT AMOUNT IS \$99,999 OR LESS ATTACH CONTRACT OR PURCHASE ORDER IF CONTRACT AMOUNT WAS \$99,999 OR LESS I hereby certify that this reimbursement request is for a project previously approved for funding Under the State's QZAB Program. The project is complete and represents invoices that have been approved for payment by all local responsible persons, is applicable to contractual agreements or purchase orders approved by the Board of Education and is eligible for State funding. I further certify that payment has been made by this Board of Education, from a non-tax exempt source, to the applicable vendor or contractor and has not been previously submitted for reimbursement.							

Signature of school system Representative

Name of Contractor Firm

Contractor EFIN/SSN

LEA:		_ DATE:	0/07 NO		
PROJECT TITLE: LOCATION:		P30	C/QZ NO:		
NAME OF MBE	TOTAL MBE CONTRACT	MDOT SUB- CONTRACTOR CERTIFICATION #	MBE SUB- CONTRACTOR CLASSIFICATION #	TOTAL AMOUNT PAID	
TOTAL					
MDOT Certification # can be loc	ated at www.mdot	.state.md.us			
MBE Classification #:	: American = 2	American Indian = 3 Non-profit = 7	3 Asian Amer	ican = 4	
l certify that the figures and inform payments have been and will be r payments are received, and in ac	made to suppliers	and subcontractors of			

Authorized Signature/Date

Contractor MBE Classification # (if applicable)

LEA REQUES	ΓFOR I	PAYMENT TO	CONTRACTOR	IAC/PSCP FORM 306.1
LEA:			DATE:	
SCHOOL NAME: PROJECT TYPE:		CONSTRUCTION SYSTEMIC RENOVATION	PSC # : DN LEA VOUCHER # :	
PSC ALLOCATION:		_ _ 	TOTAL STATE APPROVED CONTRACTS	3:
PRIOR STATE PAYM	ENTS/REI	MBURSEMENTS: _		_
PAYEE NAME AND	ADDRESS	S:		
				_
				_
				-
TAX ID #	:			_
INIV	NCE	INVOICE		
INVO NUM		INVOICE DATE	AMOUNT	_
				_
				_
		TOTAL	\$0.00	
		_	0.00	_
		TOTAL REQUEST_	\$0.00	_
responsible persons, are under the Public School (for a project Construction	previously approved by the Program, are applicable t	een approved for payment by all lee State Board of Public Works for contractual agreements approved een previously submitted for payers.	or funding ed by the
			Signature of LEA Rep	resentative
				Revised 4/29/11